



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: April 14, 2011
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-197835 LDP

GENERAL INFORMATION

Applicant: Portland Development Commission
222 NW 5th Ave
Portland, OR 97209-3812

Representative: Ryan Schera
Group Mackenzie
1515 SE Water Ave Ste 100
Portland, OR 97214

Site Address: NE Riverside Parkway and NE 185th Avenue

Legal Description: LOT 1, RIVERSIDE PARKWAY CORPORATE CENTER; LOT 2, RIVERSIDE PARKWAY CORPORATE CENTER

Tax Account No.: R710350050, R710350100

State ID No.: 1N3E20C 01400, 1N3E20C 01500

Quarter Section: 2648

Neighborhood: Wilkes Community Group, contact Alice Blatt at 503-253-6247.

Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-2892.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Columbia South Shore

Other Designations: Special Flood Hazard Area

Zoning: IG2(ME) – General Industrial 2 with a Mixed Employment Comprehensive Designation

Case Type: LDP – Land Division Partition

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

PROPOSAL:

The applicant proposes to divide the two existing lots into three parcels. The site is currently vacant except for a parking area along the western edge that is leased to the adjacent property owner to the south. The parking area would be located entirely on Parcel 3 under the proposed lot configuration. No development is currently proposed for Parcels 1 and 2.

Water and sanitary sewer service are located within NE Riverside Parkway. Stormwater from the existing parking area is treated in a water quality swale and piped to the Multnomah County Drainage District managed slough on the east side of the site. Stormwater from proposed Parcels 1 and 2 would also be directed to the slough via easement. There are no trees on the site over 6-inches in diameter.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a commercial, employment, or industrial zone; (2) two or three lots are proposed; and (3) a portion of the site is located within a Special Flood Hazard Area (see 33.662.110). For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 3 parcels. Therefore this land division is considered a partition.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in **Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.**

FACTS

Site and Vicinity: The site is currently vacant except for a parking area along the western edge that is leased to the adjacent property owner to the south. The only landscaping on site is associated with the required parking lot landscaping and associated stormwater facility. Fill was added to the site in the late 1990's to raise the site above the 100-year flood plain. Grading was done at that time to facilitate for drainage of stormwater. A drainage ditch, managed by Multnomah County Drainage District, abuts the western property line.

The site is within an industrial area. The surrounding properties that are developed contain manufacturing or warehouse and freight movement uses. The buildings are industrial in nature and the abutting sites contain large amounts of surface parking or truck maneuvering area.

Infrastructure:

- **Streets** – The site has approximately 541 feet of frontage on NE Riverside Parkway. There is one driveway entering the site that serves the existing parking lot. At this location, NE Riverside Parkway is designated a Local Service Street for all modes of the Transportation Element and is located within a freight district. Tri-Met provides transit service approximately 315 feet from the site at NE Airport Way via Bus 87.

Riverside Parkway is improved with travel lanes center turn lane, bikes lanes, curbs, and an approximately 6-foot curb tight sidewalk. Parking is not allowed on either side of Riverside Parkway.

- **Water Service** – There is an existing 16-inch DI water main in NE Riverside Parkway. There are no current service laterals to the site.

- **Sanitary Service** - There is an existing 18-inch HDPE public sanitary sewer line in NE Riverside Parkway.

Zoning: The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses

may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center, which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development.

Land Use History: City records indicate there are four prior land use reviews for this site.

- **LUR 93-00167 EN EF IR:** Approval of an environmental review, excavation and fill review, and interim resource review to allow for the placement of a temporary dredge pipe within the environmental conservation zone and significant environmental concern zone and to allow for the placement of 125,000 to 150,000 cubic yards of dredge fill.
- **LUR 01-00129 MP AD VZ:** Approval of a 3-lot partition with Adjustments to minimum lot size and a Variance to the flood plain requirements.
- **LU 02-109326 EF:** Approval of an Excavation and Fill Review to modify conditions of approval associated with LUR 93-00167 EN EF IR. Review clarified that approved disturbance did not occur within the Environmental Conservation zone.
- **LU 02-125964 SU:** Approval of a 7-lot land division.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 8, 2011**. One written response was received from the Wilkes Neighborhood Association in response to the proposal. The Neighborhood Association has no objections to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.662.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
H	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
I	33.640 - Streams, Springs,	No streams, springs, or seeps are evident on the

	and Seeps	site outside of environmental zones. The MCDD managed drainage ditch adjacent to the west property line is not a stream under the definitions in Chapter 33.910.
J	33.654.110.B.1 -Through streets and pedestrian connections in OS, R, C, and E Zones	The site is in an I-zone.
	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Extension of existing public dead-end streets and pedestrian connections	There are no existing public dead-end streets or pedestrian connections to extend onto the site.
	33.654.130.C - Future extension of proposed dead-end streets and pedestrian connections	No dead-end streets or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapter 33.615 must be met.

Findings: Chapter 33.615 contains the lot standards applicable in the industrial zones.

The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Min. Dimensions (feet)	Min. Front Lot Line (feet)
IG2 zone Standard A	40,000	150 x 150	35
IG2 zone Standard B	10,000	75 x 75	35
Parcel 1	135,802	406 x 350	406
Parcel 2	168,438	466 x 323	60
Parcel 3	50,508	75 x 679	75

For land divisions of less than 10 lots, all but one lot must meet standard A. Only one lot may meet standard B. As shown above, this standard is met.

The findings above show that the applicable lot dimension standards are met. Therefore this criterion is met.

C. Flood Hazard Area. If any portion of the site is within the flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.

Findings: The approval criteria in the C, E, and I zones state that where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. Where it is not possible to create lots that have adequate area outside of the flood hazard area, the lots must be configured so that development on them will reduce the impact of flooding and provide the greatest protection of development from flooding. Lots must be configured so that uses are that are not river-dependent will be able to locate on the highest ground and near the highest point of access and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters. In addition, services in the flood hazard area must be located and built to minimize or eliminate flood damage to the services, and the floodway must be entirely within a flood hazard tract.

The Special Flood Hazard Area is identified as the 100-year flood plain. In 2001, the subject property received a Letter of Map Revision (LOMR) as a result of fill work performed on the property. The LOMR identified the 1% Annual Chance Flood Elevation for the property as 14 feet (NGVD 29) or 15 feet (COP datum). This resulted in the majority of the property being removed from the Special Flood Hazard Area. Based on the site survey, 6,787 square feet of the site along the west property line is at or below 14 feet NGVD 29 or 15 feet COP datum.

The FEMA Map (4101830140F) in this area was updated on November 26, 2010. The updated FEMA Map identifies additional Special Flood Hazard Area on the property at a 1% Annual Chance Flood Elevation of 18 feet (NGVD 29) or 19 feet (COP datum). The additional flood area shown on the updated FEMA Map equates to approximately 37,972 square feet.

It should be noted that the Multnomah County Drainage District, the agency responsible for managing the drainage ditch along the western property line for 100-year storm events, was not consulted regarding the November 2010 map updates. MCDD has indicated to the applicant that errors exist on the FEMA Map which may affect this property and could result in less property being encumbered by the Special Flood Hazard Area.

The property is zoned IG2 which allows industrial uses such as Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, and Industrial Service. If the 2001 LOMR is used, approximately 8.03 acres of the property is outside of the Special Flood Hazard Area. If the November 2010 FEMA Map revision is used, 7.31 acres of the property is outside of the Special Flood Hazard Area. In either case, there is adequate area on each lot outside of the Special Flood Hazard Area for development and utilities.

The floodway does not extend onto this site, so there is no requirement for a flood hazard tract. MCDD has indicated that a 15-foot easement must be provided from top-of-bank for access and maintenance of the drainage channel. With a condition that the easement be shown on the final plat, this criterion is met.

F. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development.

When evaluating the existing geologic conditions of the property, the site was identified as a Special Flood Hazard Area. As discussed under Criterion C, the site can meet the applicable approval criteria of Chapter 33.631, Flood Hazard Areas. Site Development has responded to the proposal that the metes and bounds of the area removed from the Special Flood Hazard Area, as indicated in the LOMR, should be shown on a Supplemental Survey at the time of Final Plat review. Any area remaining within the Flood Hazard Area may be subject to the Flood Hazard Regulations of PCC 24.50 at the time of development.

Site Development has also noted in their response that a surcharge permit has been issued for this site. The surcharge permit must be completed and receive final inspection approval before further building permits will be issued on the new lots.

The site is currently vacant except for a parking lot that serves the manufacturing use to the south. While no other use on the site has existed recently, archaeological evidence has confirmed that American Indians used the general vicinity prior to entry of EuroAmericans to the Portland area. Archaeological resources have historic, cultural, and scientific value to the general public and heritage value to associated tribes, whose ancestors lived in the plan district area and harvested local natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbance activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places. In order to address these special concerns the site is subject to the requirements concerning protection of Cultural Resources in the Columbia South Shore (PCC 33.515.262). The applicant has documented these requirements have been satisfied by providing a Zoning Confirmation Letter issued by the Bureau of Planning (Exhibit A.3). No traditional, sacred, or cultural use sites were identified on the property.

With the conditions listed above related to showing the Flood Hazard Area at the time of final plat review and completing the surcharge permit for the site, this criterion is met.

G. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Private Storm Drainage Easement is required across the relevant portions of Parcel 2, for the benefit of Parcel 1.
- A Private Storm Drainage Easement is required across the relevant portions of Parcel 1, for the benefit of Parcel 3
- A Private Storm Drainage Easement is required across the relevant portions of Parcels 2 and 3, for the benefit of Parcels 1, 3, and 3.
- A Private Storm Drainage Easement is required across the relevant portions of Parcel 2, for the benefit of Parcels 1 and 3.
- A Private Access and Maintenance Easement, for the benefit of Multnomah County Drainage District, shall be shown and labeled over the relevant portions of Parcel 2.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, this criterion is met.

J. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

K. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard - See Exhibit E.3 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified. Water is available to serve the proposed lots from the 16-inch DI water main in NE Riverside Parkway.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified. There is an existing 18-inch HDPE public sanitary sewer located in NE Riverside Parkway that can serve the sanitary needs of the proposed lots. There are no current connections to the subject lots. Each lot must be shown to have a means of access and individual connection to the public sewer prior to final plat approval.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards- See Exhibits E.1 & E.5</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>There is a 24-inch HDPE public storm-only sewer located in NE Riverside Parkway. There is also a drainage ditch along the western property line managed by MCDD. The applicant’s plans show several existing and proposed easements for the conveyance and disposal of stormwater.</p> <p>The following conditions of approval are required to meet these criteria:</p> <ul style="list-style-type: none"> • Prior to final plat approval, the applicant must submit a storm sewer locate report for the existing line crossing the northern portion of proposed Lot 3. • The final plat must show the easement to MCDD as well as the five private easements discussed in the applicant’s narrative (Exhibit A.2) and the BES response (Exhibit E.1). • A supplemental survey is required at the time of final plat review that shows the pipe on Lot 3 is consistent with the required locate report.
<p>33.654.110.B.3 - Pedestrian connections in the I zones</p> <p>Pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site area required where practicable and appropriate. This site is within 315 feet of NE Airport Way, a Community Transit Street, however it is not practicable to provide a straight-line connection from this site due to the location of existing drainage ditches. A more practical route is using the pedestrian corridor along NE Riverside Parkway. PBOT has indicated that sidewalk improvements will be required at the time of development.</p> <p>For the reasons described above, this criterion is met.</p>
<p>33.641 – Transportation Impacts – 33.641.020 and 33.641.030 33.654.120.B & C Width and elements of the street right-of-way</p>

Because the site is zoned IG2, dividing the site will not result in any increased traffic that would not otherwise be allowed by the base zone. Therefore, Portland Transportation has concluded that no additional impacts to transportation facilities will occur due to approval of this land division application. There are no known transportation deficiencies related to street capacity or levels of service in the immediate area. The transportation system can safely support the proposed land division as well as existing uses in the area with the condition that the applicant be required to dedicate whatever additional amount of right-of-way is needed to provide for an 11-foot sidewalk corridor measured from the face of the existing curb.

Construction of a sidewalk that meets current City standards will be a condition of any future building permits for lots fronting on NE Riverside Parkway. The 11-foot corridor will consist of the 0.5-foot curb, 4-foot furnishing zone, 6-foot wide pedestrian through zone, and a 0.5-foot frontage zone between the back of the sidewalk and the property line. The existing sidewalk may be widened with tree wells cut into the existing curb-tight sidewalk.

This criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- The Flood Hazard regulations of Chapter 24.50 will apply to any areas within the 100-year floodplain.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 3. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the IG2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

- Minimum Setbacks – The existing parking lot identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines, including all required landscaping. Alternatively, existing development must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing parking surface will be 12.5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing parking lot and landscaping relative to the adjacent new lot lines.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to hydrant spacing and adequate flow. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: the special flood hazard area and stormwater disposal.

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review, BES, and Site Development review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any driveways and off-street vehicle parking areas (including landscaping) on the site at the time of the final plat application;
- The metes and bounds of the area removed from the Special Flood Hazard Area, as indicated in the LOMR 01-10-114A;
- The location of existing stormwater pipes crossing the site (specifically the northern portion of proposed Parcel 3) and the corresponding easements; and

- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE Riverside Parkway. The required right-of-way dedication must be shown on the final plat.
2. A private access and maintenance easement, for the benefit of Multnomah County Drainage District, shall be shown and labeled over the relevant portions of Parcel 2.
3. A private storm drainage easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.
4. A private storm drainage easement, for the benefit of Parcel 3, shall be shown and labeled over the relevant portions of Parcel 1.
5. A private storm drainage easement, for the benefit of Parcels 1, 2 and 3, shall be shown and labeled over the relevant portions of Parcels 2 and 3.
6. A private storm drainage easement, for the benefit of Parcels 1 and 3, shall be shown and labeled over the relevant portions of Parcel 2.
7. The existing private storm drainage easement, for the benefit of 4201 NE 185th, shall be shown and labeled over the relevant portions of Parcel 3.
8. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.2 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

C. The following must occur prior to Final Plat approval:

Existing Development

1. The applicant must submit a storm sewer locate report for the existing line crossing the northern portion of proposed Parcel 3.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Multnomah County Drainage District and private storm drainage easements described in Condition B above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

D. The following conditions are applicable to site preparation and the development of individual lots:

1. The surcharge permit 10-167437 SD must be completed and receive final inspection.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal at the time of building permit review.

Staff Planner: Rachel Whiteside

Decision rendered by:  **on April 11, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed April 14, 2011

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 3, 2010, and was determined to be complete on March 4, 2011.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 3, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 2, 2011.**

Note: some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 28, 2011** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

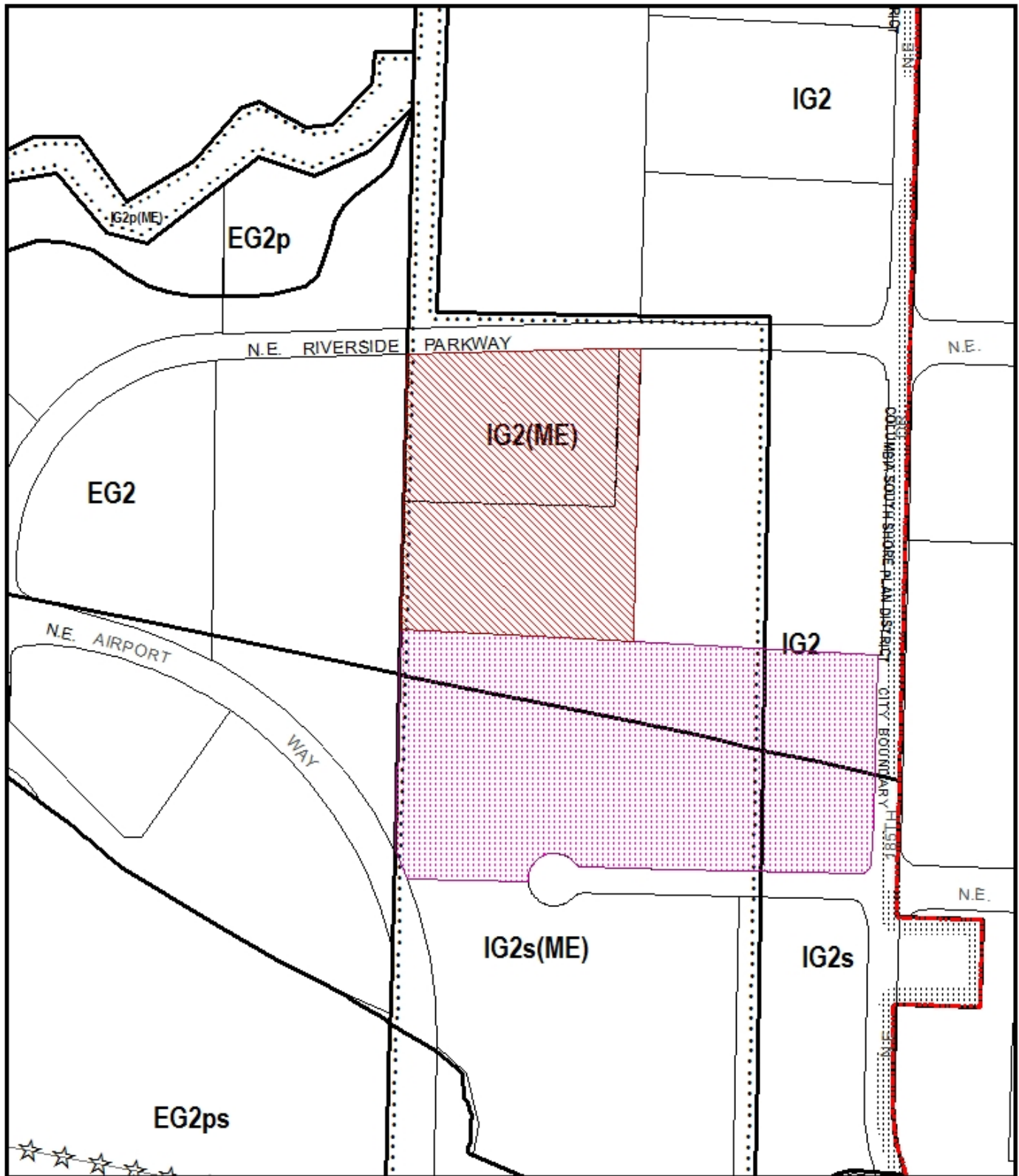
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original Narrative
 - 2. Response to Incomplete Letter
 - 3. Zoning Confirmation for Cultural Resources
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Land Division Plan (attached)
 - 2. Existing Conditions Plan
 - 3. Survey
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Review Section of BDS
 - 8. Multnomah County Drainage District #1
- F. Correspondence:
 - 1. Wilkes Community Group, April 7, 2011, No opposition, but would have liked to have met with the applicant.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

3. Incomplete Letter, sent December 27, 2010
4. Additional Items, sent February 1, 2011
5. Neighborhood Contact Documentation

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

- Site
- Also Owned



This site lies within the:
COLUMBIA SOUTH SHORE PLAN DISTRICT

File No.	<u>LU 10-197835 LDP</u>
1/4 Section	<u>2648,2649</u>
Scale	<u>1 inch = 300 feet</u>
State_Id	<u>1N3E20C 1400</u>
Exhibit	<u>B (Dec 08,2010)</u>

PRELIMINARY LAND DIVISION PLAN

REPLAT OF LOTS 1 + 2 OF RIVERSIDE PARKWAY CORPORATE CENTER

January 28, 2011

GRUPP MACKENZIE
Architectural
Interior Design
Landscape Planning
Land Use Planning
200748 8883
Seattle WA
Vancouver WA
909.855.7879

PDC
PORTLAND
DEVELOPMENT
COMMISSION
PROPOSED REPLAT
OF LOTS 1 + 2 OF
RIVERSIDE PARKWAY
CORPORATE CENTER



EXP. DATE 12/31/12

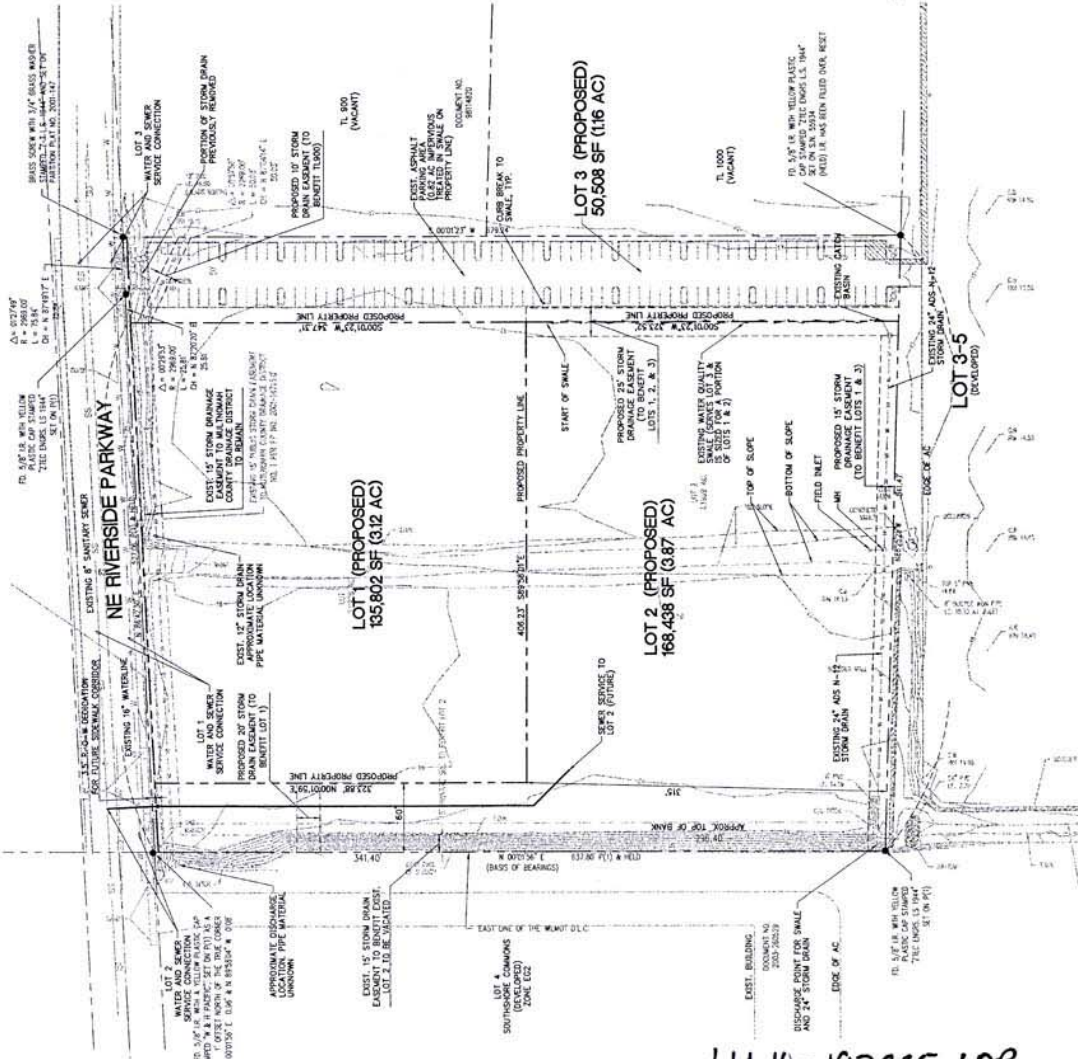
REGISTRATION NO. 1128
EXPIRES 12/31/12
STATE OF OREGON
MECHANICAL
DAVID P. CALKINS
1128

DRAWN BY: RVS
CHECKED BY: TMM
SHEET: C1.0

JOB NO. 2100020.01

REVISED 1/26/11

LAND DIVISION SUBMITTAL - 0114.2011



SITE INFORMATION

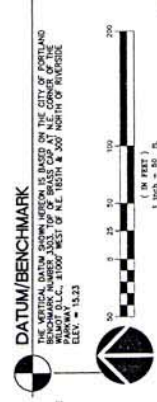
SITE DESCRIPTION: LOTS 1 & 2 OF RIVERSIDE CORPORATE CENTER
TOTAL SITE AREA: 308,645 SF (813 AC) BEFORE EROSION
EXISTING ZONING: I21
EXISTING TREES: THERE ARE NO TREES ON THE PROPERTY
FLOOD PLAIN: THE SITE IS NOT WITHIN THE 100-YEAR FLOOD PLAIN
PROPOSED CONSTRUCTION/DEVELOPMENT: NONE

SITE LEGEND

- EXISTING LOT LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT

SHEET INDEX

C1.0 PROPOSED LAND DIVISION PLAN
C2.0 EXISTING CONDITIONS PLAN



LU 10-197835 LOP
Exhibit C.1